

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** August 13, 2002

**TO:** Orange County Planning Commission

**FROM:** Planning & Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA02-0069 for Site Development Permit

**PROPOSAL:** Construction and operation of a shared wireless communication facility providing service for up to five (5) wireless communication providers. The proposal includes: one 65 feet high and one 70 feet high antenna support monopoles; five building pads for the providers equipment cabinets/buildings; and, associated electrical and antenna cabling. The two monopoles and other equipment are located within a 2,000 square foot fenced site.

**LOCATION:** In the community of Ladera, Planning Area 6, south of Crown Valley Parkway and east of Antonio Parkway. The site is adjacent to an approved self-storage facility on Terrace Avenue. Fifth Supervisorial District.

**APPLICANT:** RMV Telecom, LLC, the developer/operator  
DMB Ladera, LLC, the landowner (both entities of Rancho Mission Viejo)

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 667-8344

**SYNOPSIS:** Current Planning Services Division recommends Planning Commission approval of PA02-0069 subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The proposed unmanned wireless communication facility is located at the rear (far east side) of a site previously approved under Planning Application PA01-0108 for a self-storage facility. The self-storage facility has been graded and is currently under construction. (Note: a condition of approval will require a Changed Plan be review and approved for PA01-0108 showing the deletion of the area within the self-storage for the communication facility) Minimal grading will be required for the communication facility. Assess to the proposed communication facility is through an easement over the approved driveways in the self-storage facility. Access to the self-storage facility is from Terrace Avenue, which is accessed from Antonio Parkway to the west. This area of Ladera is known as the Corporate Terrace. See applicant's letter of explanation, Exhibit 1, for additional background information.

This proposed project is part of a network of wireless communication facilities proposed throughout the Ladera Community and surrounding areas. RMV Telecom, LLC, the applicant, is part of the master developer, DMB Ladera, LLC, that was created to provide this community telecommunications network.

This Corporate Terrace facility is the first of the network communication facilities. In addition to sites within the Ladera PC, other sites outside the PC and also owned by Rancho Mission Viejo are currently under County review and consideration.

**SURROUNDING LAND USE:** (see Exhibit 2 for photos)

<b>Direction</b>	<b>Planning Area</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
Project Site	Ladera PC, Planning Area 6	Urban Activity Center	Flat, graded, under construction as a self storage facility
North	PA-6	Urban Activity Center	Flat, graded, future uses undetermined at this time
South	PA-6	Urban Activity Center	Flat, graded, future Catholic church and apartments under construction
East	PA-6	Urban Activity Center	Permanent open space (Chiquita Ridge)
West	PA-6	Urban Activity Center	Flat, graded, under construction as an office park

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was delivered to all owners of record within 300 feet of the subject site (the applicant is still the owner of record for all properties within 300 feet of the site). Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to six County Divisions and the Orange County Sheriff Department. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

**CEQA COMPLIANCE:**

The proposed project is covered by Final EIR No. 555, which was certified on October 17, 1995. Prior to approval, this EIR must be found adequate to satisfy the requirements of CEQA for the proposed project. Appendix A contains the recommended findings. Environmental Documentation is included as Exhibit 3.

**DISCUSSION/ANALYSIS:**

The proposed project is located in Planning Area 6 of the Ladera Planned Community. PA 6 has a designation of Urban Activity. The Urban Activity designation was designed to provide for the

community's commercial, civic, cultural, professional service and office needs. It also provides for the establishment of a maximum of 232 residential dwelling units. In addition to the self-storage facility, approvals in the Urban Activity Center to date include the Town Center retail area to the north, a mixed-use office complex to the west and an apartment complex to the south. Future development may include an additional office complex site and church site to the west of the site.

The proposed wireless communication facility comes under the designation as a Community Facilities in Section VII of the Ladera Planned Community. Uses in Community Facilities designation are also principal permitted uses under the Urban Activity designation. Site development standards are per the Urban Activity standards. The proposed communication facility conforms to the setback, building site area, width and depth standards. An approved Area Plan and Site Development Permit establishes structure height.

The wireless communication facility will provide support for up to five wireless providers. This site together with the other sites in and outside the Ladera community under consideration by the community developers will provide necessary modern communications for all residents and Antonio Parkway. As is required for this project site, the Planning Commission will have the opportunity to review each wireless communication facility in Ladera as they are submitted to the Planning Department for review.

The subject site has been graded and only minimal grading will be required to install the two towers and the five equipment pads. The site is located behind future development so as to hide the five equipment buildings. As seen in the photo simulations in Exhibit 4-Site Plans, the towers are located at the base of the hill leading up to Chiquita Ridge so that long range views of the ridge area from the community will not be impacted by the towers. The only issue staff found during project review was that of tower height. Following is a discussion of the tower height.

The current Area Plan approval for Planning Area 6 is Area Plan AP98-05 approved under Planning Application PA98-0186 in March 1999. The approval included a Finding (Finding No. 11), which says in part, *The Planning Commission finds and determines that the maximum height limit for Planning Area 6 of the Ladera Planned Community is 60 feet maximum; and, the Planning Commission shall review all projects that exceed 35 feet in height.*

Since the two proposed 65 feet and 70 feet high antenna support towers exceed the 60 feet height limit imposed by Finding No. 11 of AP98-05, it might appear that the project does not conform to Planning Area 6 site development standards. However, it appears to staff that the purpose and intent of Finding No. 11 was addressing stepped building massing and the effect of building height on the urban edge and may not be applicable to the proposed communication facility antenna support towers.

In support of staff's conclusion, is Section XII "Site Plans" of the Ladera PC Program Text and Orange County Zoning Code Section 7-9-129.2 "Antennas". Section XII paragraph D.1 says in part that *a site development permit may be approved which establishes alternative site development standards for residential and non-residential projects and uses.* The Zoning Administrator would typically be the decision-maker to establish alternate development standards, but in Planning Area 6, the Planning Commission is the decision-maker for all proposals in excess of 35 feet. This section of the Ladera PC would seem to give the Planning Commission authority to allow for a height limit in excess of both 35 feet and 60 feet permitted by Finding No. 11.

Zoning Code Section 7-9-129.2 permits radio and television antennas to exceed the district height by 10 feet without the need for approval of a Use Permit for over height structures. The standard height limit in the County for most zoning districts is 35 feet. Current Planning Department has used this section of the Zoning Code numerous times to permit the establishment of wireless communication facilities with 45 feet high support towers without the need of a Use Permit. For this site in Planning Area 6, the height limit of 60 feet imposed by Finding No. 11 of Area Plan 98-05 could be modified by the provision of Zoning Code Section 7-9-129.2.

**CONCLUSION:**

The proposed wireless communication facility, together with future sites, will provide necessary wireless communication to residents and visitors to the Ladera Community. Because the site has been graded, little if any impact will be associated with site construction. The support towers have been located so as to have little impact on views from the community. The 65 feet and 75 feet tower height can be justified and should not conflict with height limits established by Area Plan 98-05.

This proposal is beneficial to the entire Ladera community for not only providing necessary wireless services, but by grouping several providers together in a shared location, the need for each provider to locate a separate site and construction up to 5 similar height towers is eliminated. Staff supports the proposal and makes a recommendation as follows:

**RECOMMENDED ACTION:**

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA02-0069 for Site Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager  
Current Planning Services

WVM

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**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Site Photos
- 3. Environmental Documentation
- 4. Site Plans and simulation photos

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.